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APJ 1634
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Burchard

Confirmation No.: 6450

Serial No.: 09/616,849

Art Unit: 1634

Filed: July 14, 2000

Examiner: Forman, B. J.

For: METHOD FOR DETERMINING THE Attorney Docket No: 9301-044
SPECIFICITY AND SENSITIVITY
OF OLIGONUCLEOTIDES FOR
HYBRIDIZATION

STATEMENT OF THE SUBSTANCE OF THE INTERVIEW

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to MPEP section 713.04, Applicant submits the following statement of the substance of a telephonic interview held on March 15, 2005 between Primary Examiner B.J. Forman and Adriane M. Antler, R. Douglas Bradley, and Weining Wang in connection with the above-identified application.

During the interview, Ms. Antler proposed to amend the independent claims 27, 67, 91 and 93 to clarify that the probe comprises a predetermined nucleotide base sequence, i.e., a sequence whose base sequence has been determined and is known, that is complementary to at least a portion of a target nucleotide sequence. Ms. Antler pointed out that Lo et al., U.S. Patent No. 4,900,659 ("Lo"), does not teach that any of its probes has a predetermined base sequence. Nor does Lo teaches determination of the base sequences of its probes. The Examiner indicated that recitation in the claims that the probe comprises a predetermined or known nucleotide base sequence would overcome the rejection under 35 U.S.C. 102(b) based on Lo. However, the Examiner indicated that the proposed amendments would not be entered. Ms. Antler thus proposed to file a Request for Continued Examination (RCE) with the Amendment. The Examiner further indicated that she wishes to consider whether the combination of Lo and Lockhart would make such amended claims obvious.

This Statement of the Substance of the Interview is not to be construed as a

response to the outstanding Office Action mailed on December 16, 2004. Applicant intends to file a response to the Office Action mailed on December 16, 2004 in due course.

Respectfully submitted,

Date: April 18, 2005

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